



U.S. Department of Justice

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PRESS RELEASE
***GRAND JURY RETURNS INDICTMENT
CHARGING SEVEN INDIVIDUALS, AGENCY
IN ADOPTION FRAUD SCHEME***

SALT LAKE CITY -- A federal grand jury in Salt Lake City returned an indictment Wednesday, unsealed today, charging seven

individuals and an adoption agency with several violations of federal law in connection with an alleged Samoan adoption fraud scheme involving around 81 children from 40-45 birth families. Counts in the indictment relate to 37 children, including 12 sibling groups and other unrelated children.

Announcing the indictment today were U.S. Attorney for Utah Brett L. Tolman; Special Agent in Charge Thomas Depenbrock of the U.S. Department of State, Bureau of Diplomatic Security San Francisco Field Office; Kurt Fitz-Randolph, Assistant Special Agent in Charge of Immigration and Customs Enforcement in Salt Lake City; and Robert Mather, Field Office Director for U.S. Citizenship and Immigration Services in Salt Lake City.

Charged in the 135-count indictment are Scott Banks, age 46, of Wellsville, Utah; Karen Banks, age 45, of Wellsville; Dan Wakefield, age 70, a U.S. citizen living in Apia, Samoa; Tagaloa Ieti, age 44, of Samoa; Julie Tuiletufuga, age unknown, of Samoa; Coleen Bartlett, age 40, of Evanston, Wyo., Karalee Thornock, age 34, of Tooele, Utah, and Focus on Children, an adoption agency. Defendants charged in federal indictments are presumed innocent unless or until proven guilty in court.

The indictment charges the defendants with two conspiracy counts, conspiracy to commit alien smuggling and visa fraud and conspiracy to commit money laundering. There are 37 counts charging the defendants with bringing illegal aliens to the United States and 37 counts alleging the defendants encouraged or induced illegal aliens to enter or reside in the United States. There are 34 counts alleging fraud and misuse of visas; 19 counts of laundering of monetary instruments (money laundering) and six counts of monetary transactions in property derived from specified unlawful activity (money laundering).

A copy of the indictment is attached.

“We have victims on both sides of this adoption scheme, all of whom acted in good faith. Birth parents in Samoa believed they were sending their children to take advantage of opportunities in the United States. These families, many of whom relinquished more than one child, believed they would get letters, photos, and in some cases, visits from their children until they reach 18 years of age and were then returned to Samoa with an education and the ability to care for their birth parents. Samoan families did

not view the placement as permanent. They thought their kids would come home,” U.S. Attorney for Utah Brett Tolman said.

“On the receiving end of the adoption, we have families in the United States who were misled by those at FOC to believe that the Samoan children were orphans or living with a parent who could not care for them and were, as a result, legally available for permanent adoption,” Tolman said.

“In the middle of these heartbreaking family situations, we have the alleged conspirators of this adoption fraud who we believe deceptively persuaded Samoan birth parents to place their children up for international adoption; falsely represented the status of the children to adoptive families in the United States; and caused violations of federal laws to bring the children from Samoa into the United States” Tolman said.

“This type of crime will not be ignored. The U.S. Attorney’s Office and our partner law enforcement agencies are committed to vigilantly and aggressively focusing on destroying these types of insidious criminal enterprises,” Tolman said.

Thomas Depenbrock, Special Agent in Charge of the U.S. Department of State’s Bureau of Diplomatic Security San Francisco Field Office, said, “Adoption fraud is particularly unconscionable and without excuse. The U.S. Department of State’s Bureau of Diplomatic Security will do everything possible to bring to justice those responsible for these crimes. We must secure the welfare of our children at all costs.”

Robert Mather, U.S. Citizenship and Immigration Services Field Office Director for Salt Lake City, said, “This issue came to light when a USCIS officer saw something that didn’t add up, suspected fraud and kept digging. After discovering the fraud, our employees worked closely with ICE, the State Department and the U.S. Attorney’s Office to review records, conduct interviews and help interpret the evidence. As an agency, we are committed to protecting children, adoptive parents and, on occasion birthright parents, throughout the adoption process.”

Kurt Fitz-Randolph, Assistant Special Agent in Charge of ICE’s office of investigations in Salt Lake City, said, “This investigation focused on a scheme that treated children as little more than a commodity. The defendants targeted in this case not only compromised the integrity of our

nation's immigration system, they also defrauded numerous well-meaning parents who wanted nothing more than to provide the best possible life for these children."

According to the indictment, it was the object of the conspiracy for the defendants to make money by taking Samoan children away from birth parents using false promises and deceit, to falsely claim to prospective adoptive parents in the United States that the children had no one to take care of them and had been abandoned, and to fraudulently cause unsuspecting adoptive parents to assert to United States government officials that the children were legitimate orphans when in truth and in fact, they were not. The indictment alleges the conspiracy began at a date unknown to the grand jury, but no later than March 2002 and continued through about June 2005.

The indictment alleges that as a part of the conspiracy, Focus on Children (FOC) charged a fee of several thousand dollars to facilitate the adoption and immigration of foreign-born Samoan children through United States citizens. According to the indictment, FOC employed recruiters in Samoa who identified and deceptively persuaded Samoan birth parents and their families to place their children up for international adoption; arranged for the care of the Samoan children who had been taken from their birth parents and placed in a "nanny home" in Samoa which was paid for by FOC and operated by its employees; and delivered the children to adoptive parents, either in Samoa or New Zealand.

FOC, the indictment further alleges, also employed people in Utah and Wyoming who referred Samoan children who were not orphans to prospective adoptive parents; completed or assisted in the completion of the required immigration-related paperwork; and collected fees from adoptive parents.

The indictment alleges the defendants targeted Samoan children for adoption by surveilling marketplaces or other locations where women frequently gathered. In other cases, women were referred to the alleged conspirators by others who had earlier unwittingly given up their children to FOC based on false promises. Some women were identified as potential targets by conspirators who conducted presentations or engaged in group discussions with village leaders, the indictment alleges.

The indictment alleges the defendants persuaded the birth parents to give up their children using fraud and deception, including telling some or all of them that the program was created by the U.S. government or the Mormon Church (Church of Jesus Christ of Latter-day Saints) to assist families in Samoa who were struggling financially or desired to have their children educated abroad. Families also were told, according to the indictment, that in cases where siblings were being placed in the program, they would all be adopted by the same family in the United States.

Some of the birth families considering placing their child or children in the program were given what conspirators called “humanitarian assistance,” such as nominal amounts of money, bags of rice, or other food items or other items of value, the indictment alleges. Such assistance ended once the child was delivered to the adoptive parents.

Once a child was identified for possible adoption by the conspirators in Samoa, information was relayed to conspirators in Utah and Wyoming, who then referred the child to a prospective adoptive family or advertised the child as available for adoption on FOC’s website. Referrals often took place, the indictment alleges, even though no relinquishment paperwork had been completed and the child was, in fact, living with his or her birth parents and was not an orphan.

The indictment alleges the conspirators in the United States frequently fabricated statements regarding the birth family. These statements were designed to persuade potential adoptive parents of the dire circumstances of the children.

The indictment alleges conspirators in Utah and Wyoming discouraged some adoptive families from traveling to Samoa to pick up their newly-adopted child or children, many of whom were not living at the agency’s foster home as adoptive families had been repeatedly told.

The indictment also alleges that conspirators caused adoptive parents to file immigration forms on behalf of their adopted children asserting that such children were orphans because they either had no parents or had one parent who was incapable of caring for them, which was not true. Conspirators also prepared affidavits for signature by the birth parents attesting to the circumstances justifying the relinquishment or adoption of the child under Samoan law. The affidavits were written in English, which

the large majority of Samoan birth parents could not read or understand and were not, as a matter of course, translated or read to them in their native language.

Arrest warrants were issued for the defendants. Scott Banks, Karen Banks, Coleen Bartlett, and Karalee Thornock had initial appearances Thursday morning before U.S. Magistrate Judge David Nuffer. The government did not seek detention. A status conference was set for April 2, 2007, at 11 a.m. before Judge Nuffer. The United States does not have an extradition treaty with Samoa. However, based on the indictment and arrest warrants, a petition can be made to the government to deliver the three individuals living in Samoa.

The case is being investigated by the U.S. Department of State Bureau of Diplomatic Security, ICE, and U.S. Citizenship and Immigration Services.

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